

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**ROBERT LEE DRAIN a/k/a  
DARIOUS DANYEL WHITE,**

Plaintiff,

v.

**BRIAN DUNN,**

Defendant.

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**2:22-CV-12366-TGB-CI**

**ORDER ADOPTING REPORT  
AND RECOMMENDATION  
(ECF NO. 29)**

This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.'s March 13, 2024 Report and Recommendation (ECF 29) Recommending that Plaintiff's complaint be dismissed with prejudice under Fed. R. Civ. P. 41(b) and Defendant's Motion for Summary Judgment (ECF No. 25) be terminated as moot.

The Court has reviewed Judge Ivy's Report and Recommendation and finds that it is well-reasoned and supported by the applicable law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report...to which objection is made." *Id.*

Where, as here, neither party has lodged objections to the report, the district court is not obligated to independently review the record. *See*

*Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). The Court will, therefore, accept Judge Ivy's Report and Recommendation of March 13, 2024 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Judge Ivy's Report and Recommendation of March 13, 2024 (ECF 29) is **ACCEPTED** and **ADOPTED**.

It is **FURTHER ORDERED** that Defendant's Motion for Summary Judgment (ECF No. 25) is terminated as **MOOT** and the case is **DISMISSED WITH PREJUDICE**.

This is a final order that closes this case.

**SO ORDERED.**

Dated: April 9, 2024

/s/Terrence G. Berg

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HON. TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

### Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served via electronic and/or ordinary mail.

Dated: April 9, 2024

By: /s/T. McGovern  
Case Manager

BY THE COURT:

/s/Terrence G. Berg  
TERRENCE G. BERG  
United States District Judge